

Application No.: 10/783,304
Docket No.: UC0412USNA

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Remarks

Status of the Application

Claims 1-25 are pending. Withdrawn Claims 26-37 are canceled. Independent Claims 1, 8, and 17 have been amended to recite that "the compound bears at least one crosslinkable group." This is not new matter. Applicant's specification provides: "The compounds disclosed herein are crosslinkable, i.e., crosslinking can be induced in the compounds due to the incorporation within the compounds of crosslinkable groups." *Id.* at page 2, lines 28-31.

Restriction/Election Acknowledged

Applicant notes that the restriction appears to have been made final, and thus is in condition to petition to the Commissioner, should Applicant desire to do so.

Applicant appreciates the Examiner's outline of what was examined. The election was made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicant's claims. If the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species until it includes the full scope of the generic claims included in the elected group.

Indefiniteness Addressed

The Examiner objected to "n" not reciting an upper limit. Applicant submits that the claim is not indefinite to those skilled in the art. In fact, Applicant even addressed the concern of the Examiner in the specification:

The practical upper limit of n in formulas (I), (III) and (IV) is determined in part by the desired solubility of a compound in a particular solvent or class of solvents. As the value of n increases, the molecular weight of the compound increases. The increase in molecular weight is generally expected to result in a reduced solubility of the compound in a particular solvent. Moreover, the value of n at which a compound becomes substantially insoluble in a given solvent is dependent in part upon the structure of the compound. For example, a compound containing multiple phenyl groups may become substantially insoluble in an organic solvent when n is much less than about 10^4 . As another example, a compound containing fewer phenyl groups and/or phenyl groups with particular functional groups may be soluble in a given solvent even though n is about 10^4 or greater, even 10^5 or 10^6 . The

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selection of the value of n and a suitable solvent is within the purview of one skilled in the art.

Id. at page 21, line 26 - page 22, line 2 (emphasis added). Applicant submits that the Examiner is failing to look at the application *as a whole*.

Applicant is confused by the Examiner's contention that there is no antecedent basis for "aromatic ring" when directly referring to Formula I. Formula I has 4 aromatic rings illustrated. Perhaps Applicant could have said "phenyl" rings, but regardless, the term is amply clear to those in the art, and Applicant can be his own lexicographer.

Along those lines, the Examiner's suggestion that "adjacent" is clearer than "neighboring" is respectfully declined. Neighboring is a defined term in Applicant's specification: "Neighboring aromatic rings can be adjacent or vicinal." *Id.* at page 4, lines 30-31.

In response to the objection to "non-aromatic rings," the term is broad enough to include carbon atoms as well as heteroatoms. Applicant believes the Examiner takes issue with the term's breadth, but that is irrelevant to definiteness, as is made clear in the MPEP, which states, in relevant part:

Breadth Is Not Indefiniteness

Breadth of a claim is not to be equated with indefiniteness. [citation omitted] If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

MPEP §2173.04. Thus, the objection is improper.

Applicant submits that Claim 17 claims a subset of Claim 1, and thus "n" and "R³" from Claim 1 can be recited in Claim 17 to address the Examiner's concerns.

Anticipation Rejections Moot

Claims 1, 2, 6-8, 10, 12, 13, and 17-20 were rejected as anticipated by the Schmitz reference (Advanced Materials 1999, 11, No. 10, p. 821). Claims 8, 10, 12, and 13 were rejected as anticipated by US Patent No. 4,665,000 ("the Tokoli reference"). Both rejections are moot by amendment.

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Double Patenting

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Applicant submits that, as the claims have changed, the obviousness-type double patenting rejection may no longer be applicable, and thus request reconsideration. Applicant proposes to submit a terminal disclaimer, if necessary, once the claims are otherwise in condition for allowance.

Objections Noted

Applicant thanks the Examiner for the list of claim objections. As the Examiner broadens the search, Applicant expects that the amount of non-elected subject matter will shrink. As to the presumably allowable-if-rewritten claims (4-5, 11, 14-15, and 21-25), Applicant chooses not to rewrite them at this time, but is grateful for the indication.

Conclusion

Applicant submits that the objections and rejections should not be reapplied to the pending claims. Applicant further submits that the pending claims are in condition for allowance, and earnestly solicits a notice of allowance for claims 1-25.

Should the Examiner have questions about the application or the contents of this paper, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,


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